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North Carolina Legislature.

SENATE.

WEDNESDAY, Feb. 7, 1866.

Prayer by Rev. Mr. Bird.
Latham, from the committee on incorporations, to whom was referred the bill to incorporate the Carolina Joint Stock Insurance Company, reported back the same, recommending that it do pass.
Carter appeared, was qualified and took his seat.
Morehead introduced a resolution to inquire into the expediency of having the whole or a portion of the State printing executed at the office of the Deaf, Dumb and Blind Asylum. The resolution was adopted.

Mr. McKay introduced a resolution to inquire into the expediency of drawing jurors, summoning jurors, &c., in the Courts. Referred to the judiciary committee.
A message was received from the House proposing to go into an election for Councilor of State. Not agreed to.
A message was received from the House transmitting the following engrossed bills and resolutions:
A bill to charter the High Shoals Railroad Company.
A resolution defining the duty of the Governor with reference to the distribution of the act for the more complete reorganization of the State government.

A bill to restore jury trial in criminal cases in the courts of pleas and quarter sessions of the State.
Mr. Wiggins presented two names to be added to the list of justices of the peace for the county of Halifax.
Snead presented twenty-one names to be added to the list of justices of the peace for Johnston county.
A bill to amend an act entitled, "an act for the relief of landholders," was on motion of Whitford, referred to the committee on judiciary.

The unfinished business of yesterday—being the bill providing for the payment of interest on State bonds now due—was taken up, but the discussion of it was interrupted by the arrival of the hour specially appointed for the consideration of the bill prohibiting the distillation of spirituous liquors from grain.—Pending the discussion of which
A message was received from the house proposing to go into an election of one trustee for the University, which was concurred in.

The Senate voted as follows: Bynum, 33, Hyman 9, and Hoke 1.
Much debate ensued on the bill regarding distillation, when the Senate adjourned, on motion of Howard, till to-morrow at 11 o'clock.

HOUSE OF COMMONS.

WEDNESDAY, Feb. 7, 1866.

The House was called to order at 10 o'clock A. M.
The Journal of yesterday was read and approved.
Mr. Campbell, Commoner elect from Iredell County, to fill the vacancy created by the resignation of L. Q. Sharpe, Esq., appeared and was qualified.
Hutchison introduced a bill to authorize the construction of a toll bridge across the Catawba river, at or near the Rock Island Ferry, between the Counties of Mecklenburg and Gaston.

Cowan, a bill to incorporate the Bladen Land Company.
Murrill, a bill to incorporate Richland Female Academy in the county of Onslow.
[This bill passed its several readings under a suspension of the rules.]
Caldwell, a bill to legalize the transfer of Registered Bonds of this State to bearer.
Gaines, from the Committee that superintended the election on yesterday for two Trustees of the University, reported the election of Wm A. Jenkins, Esq.

On motion of Waugh, a message was sent to the Senate proposing to go forthwith into an election for a Councilor of State, to fill the vacancy created by the resignation of W W Lenoir, Esq.
Mr. McAden, by leave, introduced a bill to amend the charter of the town of Graham.

SPECIAL ORDER.

At eleven o'clock the House proceeded to consider the bill to create a State Agent on its second reading.
Russell said that he stood alone on the committee on Federal Relations in opposition to the bill, and wished briefly to state the reasons of this opposition. The bill proposes to create an agency at Washington City to aid in the collection of claims against the government and to take supervision not only of the interests

of the State at large, but also of those of individuals. The duties of the position would crush any man. The office would seem to be intended as a substitute for Senators and Representatives. It would be as well perhaps for Sumner or Thad Stevens to propose a constitutional amendment superseding Congress altogether as it would be much cheaper to transact the public business through such agents. Adverting to the right of the proposed agent to employ counsel, Mr. R. suggested that the direct employment of counsel when needed would be cheaper and better, as North-Carolina would have but few claims to prosecute for years to come, and her people should not be taxed to further the collection of individual claims. State agents at Washington were needed by Northern and Western States to collect bounties, pensions and other claims of soldiers—their widows and orphans. How many soldiers, he asked, from North-Carolina would get pensions from the Federal Government without an agent. There had been during the Provisional Government such an agency at Washington, which had doubtless done much for the relief of our people, but he deemed there was no necessity for its continuance, or else the Governor would have recommended it.

Cameron said that the majority of the committee thought the creation of this office would be materially beneficial to the State. He had an interview with the Assistant Postmaster General and others conversant with such matters, who confirmed the opinion of the committee as to the advisability of having an agent at Washington, acquainted with the President and heads of departments and their modes of transacting business. The salary proposed (\$4,000) was certainly moderate. We could not expect our agent to live in a rat-hole and present a scabby appearance.
Russell moved an indefinite postponement of the bill.

Waugh opposed the bill, and called attention to the fact that a resolution had passed the House of Representatives declaring that no claims from Southern States shall be considered for the present. It was no time to create new offices, or to tax the people further than absolutely necessary. His section of the State was so impoverished that the dogs, like "Josh Billings," were seeking new homes. He was unwilling to tax the people to pay an agent to obtain pardons for the poor unfortunate persons who were so very criminal as to possess more than \$20,000.

Henry, of Bertie, urged the passage of bill, and objected to the levity with which it had been treated. He hoped it would be discussed solely upon its merits. As an offset to what the gentleman from Surry had said of the action of the House of Representatives postponing indefinitely the consideration of Southern claims. Henry stated that the Judiciary Committee had reported, recently in the United States Senate, in favor of receiving and adjudicating such claims. Was North Carolina to stand back along in poverty-stricken pride, while other States had their claims adjusted? The creation of this agency would not add materially to the burthen of taxation, and he for one would be willing himself to pay his country's quota of such taxation rather than such agency should not be established.

Waugh again addressed the House, opposing the measure as wholly unnecessary, adverted to the refusal of Congress to modify the test oath so as to give our people ordinary mail facilities, and asked if it was not notorious that the only test of loyalty was sneezing simultaneously with Stanton, Sumner, and Wilson. He was not unwilling to the creation of an agency to be sustained by voluntary contributions—as suggested by the gentleman from Bertie. As we are regarded by the radicals as aliens and foreigners, we had better have a Minister Plenipotentiary. [Laughter.] If this agency is to be created, he should be in favor of providing that the salary shall be paid in State Treasury notes of a denomination less than one dollar heretofore issued. [Renewed laughter.]

Cameron said, the gentleman from Surry had set himself up as the wit of the House, and he had no idea of competing for that honor. That gentleman had said, that his people were so poor that the dogs were leaving home, it was passing strange then, that he should oppose a little outlay that would enable them to keep their dogs at home and fatten them. The gentleman said that few of his people needed pardon under the \$20,000 exemption. It would seem that the wealthy only had the gentleman's sympathies. For his part he cared more for the poor of the land. The resolution postponing the consideration of claims from the South, had passed but one branch of Congress. As to the test oath he inferred from what had been said, that there were persons in the gentleman's section who could take it, and he had good reason to believe that a State agent could do much towards procuring the re-establishment of mail facilities.—There were numerous individual claims which could be presented by no one so well as an accredited State agent, conversant with the Department and their modes of business. He had not

thought of that before, but he had perhaps a claim of his own. Sherman's army had taken every thing he had.—They did not leave him meat enough to grease a gimlet or meal enough to bait a bird-trap. [Laughter.] He would have been too poor to have fed his dogs, if they had not killed them. They left him no clothes but those on his back, and they were out at the elbows right smart. He had been a consistent opponent of secession from the very first, and this had been the usage he had received. An intelligent agent at Washington could materially aid our people in prosecuting claims to a successful issue.
The question recurring the bill was indefinitely postponed. Yeas 67—nays 34.
A message was received from the Senate proposing to raise a joint select committee to take into consideration the expediency of having the State printing and binding done at the Institution for the Deaf, and Dumb and Blind. Concurred in.

A bill to authorize the banks of the State to subscribe for stock in the National banks was made the special order for 11 o'clock on Tuesday next.
A bill to allow persons of Indian blood to bear testimony in controversies at law and in equity, was made the special order for Wednesday next at 12 o'clock M.
A bill further suspending the operation of the statute of limitation passed its second reading.

A bill to incorporate the English and American Wool and Vine-growing, Mining and Manufacturing Company.—Passed its third reading.
A bill to incorporate the Trustees of the General Assembly of the Presbyterian Church of the United States of America, was put on its third reading.
On motion of Hatchison, the bill was amended by striking out the words of America. The bill thus amended passed.
A resolution in favor of A. W. Fraps. Passed its several readings.

Marler, (by leave,) introduced a bill in favor of J. B. Spainhour, tax collector of Burke County.
Smith, of Hertford, reported a resolution for the relief of the University.—(Appropriates \$7,000 to that institution.)—Smith, of Hertford, Cameron, Manly and McKay urged the adoption of the resolution under a motion of the first named to suspend the rules.
Holbett opposed a suspension of the rules, and thought the consideration of the resolution should be postponed for the present.

Mr. Everett opposed the resolution. He did not see that the University had greater claims than individuals who had sustained losses by the war. It would beggar the State to extend relief in all cases.
Waugh moved to amend the resolution by appropriating the further sum of \$50,000 for the Common Schools of the State.
Crawford moved to amend the amendment by making the appropriation for Common Schools \$200,000. The amendment to the amendment was rejected.

The resolution then passed their third reading. Leave of absence was granted Messrs. Simmons and Flythe.
The Senate by message refused to concur in the proposition to elect a Councilor of State.
On motion of Mr. Wilson, a message was sent to the Senate proposing to elect forthwith a Trustee of the University.—The Senate by message announced its concurrence, and the House having voted adjourned until 10 o'clock, to-morrow.

SENATE.

THURSDAY, Feb. 8, 1866.

Prayer by the Rev. Dr. Mason of the Episcopal Church.
Mr. Wiggins, from the committee on finance, to whom was referred the resolution instructing them to inquire into the expediency of transferring the fund known as the literary and school fund, to the State Treasury, reported as consideration of the same; begged leave to introduce a bill, and recommended its passage. Regarding the resolution in reference to the sinking fund, the committee asked to be discharged from its further consideration. The report was ordered to be printed.

Mr. Black introduced a resolution instructing the public treasurer to pay over to the trustees of the county of Randolph \$260. Referred to committee on propositions and grievances.
A message was received from the House transmitting the following engrossed bills and resolutions:
A resolution for the relief of the University of North Carolina—proposing that the sum of seven thousand dollars be appropriated for use of the University. Read and passed.

A bill to authorize the formation of the English and American wool and vine-growing, manufacturing, mining and agricultural association in the United States. Referred to committee on corporations.
Resolution in favor of A. W. Fraps. Passed.
A bill to incorporate the Trustees of

the General Assembly of the Presbyterian church in the United States; was referred to the committee on incorporations.

A bill to incorporate "Richland Female academy," in Onslow county. Read 1st time and referred to the committee on incorporations.
Mr. Howard, from the committee on judiciary, to whom was referred the resolution authorizing certain proceedings against the Cape Fear Navigation Company, reported back the same.
Mr. McLean presented two names to be added to the list of the Justices of the Peace for the county of Cumberland; Mr. Morgan three for the county of Pasquotank; Mr. Boyd ten for the county of Moore.

Mr. Wilson introduced a bill to incorporate "Rock Island Manufacturing Company," in Mecklenburg county.—Referred to the committee on propositions and grievances.
The hour specially appointed for the further consideration of the bill regarding the prohibition of the distillation of grain having arrived,
The debate on the subject was resumed with considerable warmth.
The bill was finally rejected by a vote of 21 to 25.
The Senate adjourned till to-morrow at 10 o'clock.

HOUSE OF COMMONS.

THURSDAY, Feb. 8, 1866.

The House was called to order at 10 o'clock A. M.
The Journal of yesterday was read and approved.
Mr. Gaines, from the committee that superintended, on yesterday, the election for one Trustee of the University, reported there had been no election.

BILLS INTRODUCED.

Mr. Candler introduced a bill for the relief of landholders.
Mr. Garland, a bill to prevent obstructions to the free passage of fish in Caney river, in the county of Yancey.
ON CALENDAR.
A bill to establish a ferry on Hiwassee river, was laid on the table on its second reading.

A resolution in favor of Jacob Siler, agent of the State for the collection of Cherokee bonds, passed second and third readings.
A bill concerning the North Carolina Institution for the Deaf, Dumb and Blind, passed second and third readings. (Appropriates the sum of \$20,000 for the support of the Asylum.)
A bill further suspending the operation of the Statute of Limitations. Passed third reading.

Mr. Murphy (by leave) introduced a resolution to refer so much of the Governor's message as relates to the Attorney General, to the committee on Judiciary.
Mr. Waugh introduced the following: Resolved, That the Governor be requested to inform this General Assembly, whether from his correspondence with manufacturers of artificial limbs, or otherwise, he has satisfactory information whether an artificial arm is of any utility or merely ornamental; also what the artificial arm will cost, and the probable number to be supplied, under the resolution of this General Assembly ratified on the 23rd of January last. These resolutions were adopted.
The Speaker presented the resignation of Neil McKay, Esq., Commoner from Harnett, to take effect on Monday next, the 10th inst.

SPECIAL ORDER.

At twelve o'clock M., the House resolved itself into Committee of the Whole to consider the bill concerning Negroes, Indians and persons of color or mixed blood.

Mr. Rayner was called to the chair.
The question recurring on the motion to strike out the eleventh section of the bill, Mr. Dargan addressed the committee. He said this was a question on which the people of North Carolina would hold their representatives to a strict individual responsibility. We had been too prone heretofore to yield to outside pressure and follow the lead of prominent men who were not representatives. The rushing of this bill through the House, in such hot haste was fraught with danger to the rights, liberties and lives of our people. The bill proposed to allow negroes to testify in their own cases. Suppose an unfortunate white man should, in sudden conflict with a party of negroes, happen to kill one, who could doubt that the bias of the negro witnesses—their sympathy for their fellow—would prejudice the white man and lead to judicial murder. There had been no expression of popular opinion upon the subject and the action proposed was premature. He should never assent to the grant of such franchise until the negro is educated and christianized, altho' no one had kinder feelings towards that unfortunate race than he. He had owned many, had never punished one; on the contrary, he had only been too indulgent. It was now proposed that the negro—a creature swayed by impulse and passion—who was influenced more by stomach than intellect—to whom the proffer of a hog-jowl was an irresistible argument,

should be licensed to swear against the lives and property of the white men.—We had no reason to believe that the concession of this franchise would lead to a demand for negro suffrage, and might ultimately result in negro equality. Mr. D. adverted to the worthlessness of negro testimony—and his proneness to perjury. The negro's sole idea of freedom, was, that it meant every right and immunity that white men enjoy.—Thrifless, improvident, depraved and illiterate; the sounds of their fiddles might be heard at night in the various shabby's of the city. Such were the creatures it was proposed to admit to the witness-box.

Mr. Hyman moved to amend the bill by adding to the eleventh section a proviso that it shall not go into effect until the military are withdrawn from the State.
Mr. Hyman said he was opposed to striking out the section. It was time for North Carolina to act. Other States South had acted already. The negro was entitled to our sympathy. They no longer had the protection of masters and should now be given the protection of Courts. They had acted during the war and proven true generally to their owners, and the sympathies of their hearts. In the name of justice they were entitled now to this boon.

Mr. Luke addressed the committee at some length in favor of the motion to strike out.
Mr. McDonald said that after mature reflection, he had determined to vote for the measure, believing it to be morally right as well as politic. The House had just heard the first chapter of Luke, and he would suggest the propriety of "calling up the mourners," and that a front seat be cleared for that purpose. [Laughter.]
Mr. Hyman withdrew his amendment.
Mr. Moore, of Martin, moved to amend by adding a proviso "that in all such cases, the testimony of such witnesses shall be given *in* open court, and not in the form of deposition, and that the parties may be admitted to their own oaths."

This amendment was also withdrawn after discussion, with the understanding that it will be hereafter presented in the House.
Mr. Manly addressed the committee. He had, at first, thought it were better to say to the negro, "stay where you are at present," "await the development of circumstances." The question had greatly embarrassed him, but a number of considerations had led him to the conclusion that it is best for us, in view of all the circumstances, to enact the section into a law.

Mr. Allison moved to amend the section by striking out the words "against a white person," and inserting the word "all"—thus giving the right to testify in "all" controversies." Not agreed to.
The question recurring on the motion to strike out the section, a vote was had by tellers, and the House refused to strike out. Ayes 47, nays 56.
The committee rose, reported progress, and obtained leave to sit at 11 o'clock A. M., to-morrow.
The House then adjourned until 10 o'clock A. M., to-morrow.

SENATE.

FRIDAY, Feb. 9, 1866.

Prayer by Rev. Dr. Sinedes.
Mr. Gash presented a memorial signed by a number of citizens of Buncombe county, praying the General Assembly not to levy certain taxes on lands, which was referred to the committee on finance.
Mr. Wiggins, from the committee on finance to whom was referred the communication of the Governor in reference to property claimed by the State, reported back the same asking a discharge from its further consideration. It was referred to the committee on judiciary.

Mr. Bogle, from the committee on judiciary, to whom was referred the bill to prevent obstructions to the passage of fish up the Catawba, reported back the same, recommending its passage.
Mr. Howard, from the judiciary committee, to whom was referred the bill to amend the 33d chapter of the Revised Code, reported back the same, recommending its passage. The committee asked to be discharged from the further consideration of the resolution instructing them to enquire into the expediency of amending the law regarding grand jurors, &c.

Mr. Keeler, from the committee to whom was referred a resolution in favor of Cherokee Indians, reported back the same; begged leave to introduce a bill and recommended its passage. The bill passed its second reading.
Mr. Carter introduced a resolution authorizing the Sheriff of Beaufort to collect arrears of taxes for the year 1859, 1860 and 1861; which was referred to the committee on judiciary.
The bill providing for the issuing of Treasury Notes in payment of interest on State Bonds, was taken up.

Mr. Berry advocated it. He said it was the paramount duty of the Legislature to prepare for the people a proper circulating medium. A great responsibility rested on this Assembly to retrieve the character of the Old North State.
Mr. Howard specified his objection to

the bill. Thought the measure proposed was a roundabout way of doing what should be accomplished directly.

Mr. Carter thought it was one of the most important bills before the legislature, and advised a more serious consideration of it. The credit of the State should not be impressed on such shabby scraps of paper as had heretofore been circulated.
Mr. Morehead had already defined his position and was not disposed to go over the same ground. Why did not the Senators who wished to reject the bill present a more meritorious one?
The question on the passage of the bill resulted in yeas 9, nays 32.

A message was received from the House, transmitting the following engrossed bill and resolution:
Resolution in favor of Jacob Siler.—Passed.
A bill further suspending the operation of the statute of limitations. Referred to the committee on judiciary.
Mr. Bynum introduced a bill to establish rates of interest; which was referred to the committee on judiciary.

A communication to the Assembly, from the State Comptroller, was received, read, and sent to the House.
The special order, a bill to amend an act entitled "an act to incorporate the Western North Carolina Railroad Company," was taken up.
Mr. Bynum, from the committee to whom was referred the bill, submitted a report, recommending its passage. Rejected on its second reading by a vote of yeas 16, nays 23.
A bill to amend an act passed at the session of '48-49, regarding the western turnpike road, was laid on the table.

Mr. Ferrebee introduced a bill referring certain resolutions in favor of the Old Dominion Trading Company. Referred to the committee on finance.
After leave of absence for some days had been granted several members, the Senate adjourned till to-morrow at 11 o'clock.

HOUSE OF COMMONS.

FRIDAY, Feb. 9, 1866.

The House was called to order at 10 o'clock A. M.
Prayer by Rev. Dr. Smedes of the Protestant Episcopal Church.
The Journal of yesterday was read and approved.

Sundry reports were made from standing committees.
Mr. Dunn introduced a resolution instructing an enquiry by the judiciary committee, as to the propriety of enacting a Mechanic's lien law.
Mr. Smith, of Hertford, from the select committee on the Sinking Fund submitted a detailed report in relation to said fund and its management, accompanied by the following resolution: "Resolved, That the commissioners of the Sinking Fund, for the ability, faithfulness and integrity with which they have discharged their onerous and responsible duties, retain the undiminished confidence of the General Assembly."

The resolution was adopted and the report was ordered to be printed.
Mr. Allison rose to a personal explanation. In the report of Legislative proceedings in the morning papers, it was stated that the amendment he offered, in committee of the whole, to the 11th section of the bill in relation to Negroes, Indians and persons of color, proposed to allow colored persons to bear testimony in all controversies. Such was not the purport of the amendment. It only proposed to admit negro testimony in controversies to which they are parties. The section without such amendment, permitted the negro to testify against white persons, but not in their own favor. It was with a view to obviate this that the amendment was offered. [The reporter makes this correction very cheerfully. Not having had the bill before him he naturally mistook the effect of the amendment.]

Mr. Cox introduced a bill for the relief of the sretices of J. R. White, late Sheriff of Perquimans Count.

ON CALENDAR.

A bill to alter the county line between the counties of Mitchell and Yancey, was put on its second reading.
Mr. Marler opposed the passage of the bill. The county seat of Mitchell had had been removed to the western-end of the county and the object of this bill was to render that county seat central by adding to the county of Mitchell a portion of the county of Yancey. The region proposed to be thus added to Mitchell county, was a scope of rough mountain country sparsely inhabited. He had at his room a petition signed by over 200 citizens of Mitchell county against a bill passed at the last session altering the location of the county seat of said county. He had received it after the passage of the bill.

Mr. Garland urged the passage of the bill. It did not have the object alleged by the gentleman from Burke. He did not interfere in the internal affairs of other counties, and did not recognize the right of others to interfere in the matters in which they were uninterested.

The bill passed its second reading.
SPECIAL ORDER.
At eleven o'clock A. M., the House